



W.P.No.3096 of .

4.The Tahsildar,
Guindy Taluk Office,
69/40, Anna Salai, Little Mount,
Guindy, Chennai - 600 079

...Respondents

Prayer: Writ Petition is filed under Section 226 of the Constitution of India for issue of Writ of Mandamus, directing the respondents to register the death of the petitioner's husband, late Mr.S.Ramesh Kumar, pursuant to the Civil Court decree dated 27.04.2010 in O.S.No.5509 of 2009 passed by the VI Assistant City Civil Court, Chennai and the legal heirship certificate in favor of the petitioner and two children.

For Petitioner : Mr. D.G.Hariprasath

For Respondent 1 : Mr. S.Gopinathan
Standing Counsel

For Respondents : Mr. R.Neelakandan
2 to 4 Additional Advocate General

Assisted By
Mr. Yogesh Kannadasan
Special Government Pleader



W.P.No.3096 of .

ORDER

This writ petition is filed for the following relief:

“To direct the respondents to register the death of the petitioner’s husband, late Mr. S.Ramesh Kumar, pursuant to the Civil Court decree dated 27.04.2010 in O.S.No.5509 of 2009 passed by the VI Assistant City Civil Court, Chennai and the legal heirship certificate in favor of the petitioner and two children.”

2. The petitioner is a legally wedded wife of one S.Ramesh Kumar, who joined Southern Railway service in the year 1987 and went missing in the month of June 2001, after suffering from mental illness. A missing complaint was lodged and despite continuous efforts, the said Ramesh Kumar could not be traced. Thereafter, a civil suit was filed by the petitioner and by judgment and decree dated 27.04.2010, the learned VI Assistant City Civil Judge, Chennai in O.S.No.5509 of 2009, declared him a civil dead.



W.P.No.3096 of .

WEB COPY

3. The petitioner would submit that a property at Velachery was purchased in the year 1974 by the petitioner's mother-in-law, who died intestate on 03.01.2010. The petitioner would submit that suppressing the existence of the petitioner's husband and his legal heirs, her brothers-in-law fraudulently obtained a legal heirship certificate on 30.04.2010 and entered into a Joint Venture Agreement in the year 2015, leading to demolition and re-development of the property.

4. The petitioner would submit that she became aware of the said fraud only in the year 2015. Despite repeated representations seeking cancellation of the fraudulent legal heirship certificate and registration of civil death pursuant to the court decree, the authorities rejected the request on technical grounds of limitation and failed to act on the pending revision. Therefore, the petitioner is before this Court.

5. Heard the learned counsels on the either side and perused the records.



W.P.No.3096 of .

WEB COPY

6. A perusal of the Judgement dated 27.04.2010, would show that the learned VI Assistant Civil Judge, Chennai, has decreed the suit only with reference to declaration of death and has dismissed the suit with reference to prayer seeking direction to the Corporation to register death.

7. The learned Judge has stated that the second prayer cannot be granted as the declaration of death has been made only on the basis of presumption. This order was not challenged further by the petitioner. However, in GO.Ms.No.478, Revenue and Disaster Management, Revenue Administration Wing, RA – 3 (2) Section, dated 29.09.2022, the Government had set out certain guidelines for the issuance of legal heirship certificate, which reads as follows:

“2.The Legal Heir Certificate shall be issued as a common document applicable to everyone without any difference based on religion or gender.

(i)legal heirship certificate of the deceased (in case of married person) will include only the following



W.P.No.3096 of .

members (along with their living status):

- 1.Father of deceased.*
- 2.Mother of deceased.*
- 3.Spouse of deceased.*
- 4.Son(s) of deceased.*
- 5.Daughter(s) of deceased.*

8. In view of the above, the petitioner shall be issued with legal heirship certificate on the strength of the decree obtained by her. Accordingly, the petitioner is directed to make an online application and on such application being made, legal heirship certificate shall be issued to her, within a period of 3 weeks therefrom. With reference to the prayer, namely, to register the death of the petitioner's husband, the same cannot be granted.

9. Accordingly, this writ petition is partly allowed. No costs.

03.02.2026

kan

6/8



W.P.No.3096 of .

WEB COPY

To

1.The Commissioner,
Greater Chennai Corporation,
Rippon Maligai,
Chennai - 600 003.

2.The District Collector,
Fourth Floor, M. Singaravelar Maaligai,
62, Rajaji Salai, Chennai Collectorate,
Chennai - 600 001.

3.The Revenue Divisional Officer,
Anna Salai,
Near the Tamil Nadu Dr. MGR Medical University,
Guindy, Chennai - 600 032.

4.The Tahsildar,
Guindy Taluk Office,
69/40, Anna Salai, Little Mount,
Guindy, Chennai - 600 079



WEB COPY



W.P.No.3096 of .

P.T. ASHA, J

kan

W.P.No.3096 of 2026

03.02.2026